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OFFICIAL GOVERNMENT OF GOA GAZETTE



EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

8/5/2007-LA

The Goa (Regulation of Land Development and Building Construction) Ordinance, 2007 (Ordinance No. 5 of 2007), which has been promulgated by the Governor of Goa on 2-9-2007, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 4th September, 2007.

The Goa (Regulation of Land Development and Building Construction)
Ordinance, 2007

(Ordinance No. 5 of 2007)

Promulgated by the Governor of Goa in the Fifty-eighth Year of the Republic of India.

An Ordinance to provide for the regulation and control on building construction and land development in the State of Goa and other incidental and ancillary matters connected therewith.

Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied

that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Goa (Regulation of Land Development and Building Construction) Ordinance, 2007.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(i) “Ordinance” means the Goa (Regulation of Land Development and Building Construction) Ordinance, 2007;

(a) “building construction” shall have the same meaning assigned to:—

(i) “building operation” in clause (5) of section 2 of the Goa Town and Country Planning Act, 1974 (Act No. 21 of 1975);

(ii) “building” in clause (2) of section 2 of the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994);

(iii) “to construct a building” in sub-section (1) of section 184 of Goa Municipalities Act, 1968 (Act No. 7 of 1969);

(iv) "building" in clause (8) of section 5 of the City of Panaji Corporation Act, 2002 (Act 1 of 2003).

(b) "Corporation" means the Corporation of the City of Panaji incorporated under section 7 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003) or any other Corporation established under the provisions of any Law enacted by the Legislative Assembly of Goa;

(c) "engineering operations" includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(d) "Government" means the Government of Goa;

(e) "land development" with its grammatical variations and cognate expressions, means the carrying out of building, engineering, change on the face of land, mining, quarrying or other operations in or on or over or under the land, or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division or amalgamation of land;

(f) "Municipal Council" means a Municipal Council established under section 8 of the Goa Municipalities Act, 1968 (Act 7 of 1969);

(g) "notification" means a notification published in the Official Gazette;

(h) "Official Gazette" means the Official Gazette of the Government.

(i) "Planning and Development Authority" means Planning and Development Authority constituted under section 20 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(j) "prescribed" means prescribed by rules made under this Ordinance;

(k) "regulations" means the regulations framed under this Ordinance;

(l) "State " means the State of Goa;

(m) "Panchayat" means a Panchayat Notified by the Government under sub-section (2) of section 3 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994).

3. *Land development and building construction.*— (1) All land development and building construction in the State shall, subject to the provisions of section 9, be in accordance with the provisions of this Ordinance and the rules and regulations made under the provisions of this Ordinance.

(2) Any law in force in the State governing land development and building construction, in so far as it is inconsistent with the provisions of this Ordinance or the rules and regulations made under the provisions of this Ordinance, shall stand repealed.

Explanation.— In this section, unless the context otherwise requires, "law" includes any Ordinance, Orders, bye-laws, rules, regulations or notifications.

4. *Power to make regulations and rules.*— (1) The Government may frame regulations for the purpose of carrying out the provisions of this Ordinance by following the procedure specified in sections 5, 6 and 7.

(2) In particular and without prejudice to the generality of the foregoing powers, the Government shall make regulations providing for:—

- (a) zoning of the land and its use;
- (b) general requirements for land development;
- (c) group housing;
- (d) sub-division of land including amalgamation of plots;
- (e) preservation and conservation;
- (f) procedure for seeking development permission from Corporation, Municipal Council, Panchayat and Planning and Development Authority;
- (g) any other aspect relating to planning and development.

(3) The Government may make rules for the purpose of carrying out of the provisions of this Ordinance.

5. *Public notice of the regulations.*— The power to make regulations under section 4 shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in at least three local newspapers having wide circulation inviting objections and suggestions from the public for a period of thirty days.

6. *Steering Committee.*— (1) The Government shall appoint a "Steering Committee" consisting of the Chief Minister, Government of Goa, as its Chairman, and the Minister for Urban Development, Minister for Panchayats, Minister for Town and Country Planning, Chief Secretary, Secretary to the Government of Goa in charge of Urban Development, Secretary to the Government of Goa in charge of Panchayats and Secretary to the Government of Goa in charge of Town and Country Planning, as its members. The Senior Town Planner of Town and Country Planning Department shall be its Member Secretary. The Government may co-opt an expert having vast knowledge in the field of town planning on the said Committee.

(2) The Steering Committee shall appoint a Sub-Committee consisting of the Director of Municipal Administration, Director of Panchayats, the Chairman or member of the Goa Chamber of Commerce and Industry, the Chairman or member of the Goa Chamber of Housing Industry, a representative each of registered local Chapter/Associations of Town Planners, Engineers and Architects to consider objections and suggestions received from the public and to submit a report to the Steering Committee. The Chief Town Planner shall be the Member Secretary of the said Sub-Committee.

(3) The Steering Committee and the Sub-Committee shall meet at such intervals and transact such business as may be prescribed.

(4) The Steering Committee shall, after considering the report of the Sub-Committee, submit its report together with recommendations to the Government within a period of thirty days from the date of receipt of the report of the Sub-Committee.

7. *Regulations.*— The Government shall, after receiving the report and recommendations of the Steering Committee, and after making such modifications as the Government considers necessary, direct the Chief Town Planner to notify the regulations.

8. *Notification and effect.*— On and from the date of the coming into force of the regulations framed under section 7, any land development and building construction in the State shall be in accordance with the provisions of such regulations.

9. *Interim provision, pending finalization of regulations.*— (1) All applications for land

development permission or construction licenses for building submitted, before the date of commencement of regulations framed under section 7, shall be considered as per the law applicable before the commencement of this Ordinance.

(2) (a) In respect of areas, which are not declared as planning areas under section 18 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), no objection certificate shall be necessary to be obtained from the Town and Country Planning Department from planning point of view.

(b) Any application for land development or construction of building received by the Panchayat/Municipal Council/Municipal Corporation shall be forwarded by the concerned authority to the respective district level/taluka level office of the Town and Country Planning Department for obtaining no objection certificate from planning point of view.

(3) The Town and Country Planning Department shall consider the applications for issuing of No Objection Certificate if it is satisfied after such scrutiny of plan and or site inspection, deemed to be necessary, that the proposed land development and or construction of building is in conformity with:—

(a) Regional Plan for the State in force and the Outline Development Plans/Zoning Plans in force prior to 16th May, 2007.

(b) Planning and Development Authority (Development Plan) Regulations, 2000 as notified in the Official Gazette, Extraordinary No. 3, Series I No. 22, dated 28th August, 2003, with exception of regulations governing farm houses:

Provided that—

(a) no land development shall be permitted in any areas having gradient of more than 25%;

(b) farm houses shall be permitted only in plots with minimum area of 4,000 square meters and coverage 2.5% and F.A.R. 5 and height 5.5 meters, following the guidelines issued by the Town and Country Planning Department;

(c) the F.A.R. in the areas regulated as per Surface Utilization Plans of Regional Plan shall be 80.

10. *Saving provision.*— (1) Any land development permission/construction licence for building, etc., issued under the relevant laws applicable before the commencement of this Ordinance, shall remain valid for all purposes including renewals.

(2) Notwithstanding anything contained in sub-section (1), such development permission and or construction licence for building shall not get

immunity if such development permission or construction licence is otherwise in accordance with the Ordinance and regulations framed there under.

S. C. Jamir,
Governor of Goa.

Place: Raj Bhavan.

Date: 2-9-2007.